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2 THE HONORABLE ROBERT S. LASNIK
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 EQUAL EMPLOYMENT OPPORTUNITY
11 COMMISSION, *et al.*,

12 Plaintiffs,

13 v.

14 FRY'S ELECTRONICS, INC.,

15 Defendant.

No. CV 10-1562 RSL

STIPULATED MOTION AND ORDER
OF CONTINUANCE OF TRIAL AND
RELATED PRE-TRIAL DEADLINES

Note on Motion Calendar: July 28, 2011

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I. STIPULATION

The parties stipulate and move this Court for an order continuing the trial and related pre-trial deadlines previously set in this matter for the good cause set forth below. This case is complex and involves four separate parties and three separate legal teams, including the Equal Employment Opportunity Commission (EEOC) who initiated this action. Counsel for all parties are located in Seattle, while several of the witnesses are located in Arizona, Nevada, and California.

The parties believe that a continuance will foster cooperation and potentially result in an early resolution prior to exhausting extensive resources required to file dispositive motions. Thus, the parties respectfully request this Court to continue the trial until June 4, 2012, and to revise the pre-trial dates for deadlines that have not yet passed in this case, in the Court's Scheduling Order.

The discovery cutoff in this matter is presently set for September 11, 2011. *See Dkt.* 23. Due to unique procedural issues in this case, the parties have spent much of the elapsed time since the lawsuit was filed litigating the issue of which parties are proper parties to the above-captioned action. The parties have also spent significant time attempting to cooperatively resolve discovery disputes. Additionally, the depositions that have been noted in this case span at least three states and therefore require additional time for travel. Only one deposition has been conducted so far, outside of the limited discovery conducted on the issue of whether Mr. Lam signed the arbitration agreement. .

The parties further intend to hold a mediation after conducting certain key depositions and discovery and hope to resolve the case prior to dispositive motions.

This Court has authority under CR 16.1(m)(2) to modify the deadlines of its Scheduling Order. In light of the above-stated issues, the parties request the Court to modify its Scheduling Order and set trial to begin on June 4, 2012, thereby also modifying the pretrial

1 deadlines that have not yet elapsed. The parties also respectfully request a revised Minute
2 Order Setting Trial Dates and Related Dates.

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4 IT IS SO STIPULATED.

5 Respectfully submitted this 28th day of July, 2011.
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II. ORDER CONTINUING TRIAL

This matter came regularly before the Court through the stipulation filed by the parties above. The Court, having considered the stipulation and being otherwise apprised of the facts set forth in the stipulation finds good cause for a continuance and HEREBY ORDERS as follows:

1. Trial in this matter is continued until June 4, 2012.
2. A revised Minute Order Setting Trial and Related Dates shall be issued by the Clerk of the Court.

DONE IN OPEN COURT this 29th day of July, 2011.



THE HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE